

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHAEL T. DREHER,
*Individually and on behalf of a
class of similarly situated persons*

Plaintiff,

Civil Action No. 3:11-cv-624 (JAG)

v.

**EXPERIAN INFORMATION
SOLUTIONS, INC., CARDWORKS INC.,
and CARDWORKS SERVICING, LLC**

Defendant.

AGREED ORDER

CAME NOW Defendant, Experian Information Solutions, Inc. (“Experian”), and Plaintiff Michael T. Dreher and those individuals similarly situated, (collectively, “Plaintiff”), by counsel, together Plaintiff and Experian are referred to as “the Parties,” upon their Joint Motion to Temporarily Stay Certain Discovery.

The Parties have represented to the Court that they hold divergent views of the burdens and law that govern this case. In particular, they disagree as to the elements of and evidence relevant to proving a claim that Experian “willfully” violated the Fair Credit Reporting Act (“FCRA”). *See* 15 U.S.C. § 1681n. Nevertheless, both sides agree that this issue – willfulness – is a uniquely critical one in this case and if possible should be resolved as soon as practicable. Experian has stated its intent to file an early Motion for Summary Judgment as to willfulness and Dreher has stated his concurrence in such early filing. Each Party believes that the Court’s summary judgment decision will be important in valuation of the case for settlement if the motion is denied.

UPON CONSIDERATION WHEREOF, for good cause shown, and by agreement of the Parties, it is hereby,

ORDERED, ADJUDGED and DECREED that

1. The Parties shall exchange all non-privileged documents in their respective possessions regarding the named Plaintiff on or before June 22, 2012;

2. Experian shall produce to Plaintiff the following documents on or before June 29, 2012:

a. All documents in Experian's possession or control that were received from or sent to the co-Defendant(s) on or after January 1, 2008 and before the filing of this action other than those that pertain to individual consumers other than the Plaintiff;

b. All documents in Experian's possession or control that were received from or sent to Advanta Bank on or after March 1, 2009 and before the filing of this action other than those that pertain to individual consumers other than the Plaintiff;

c. All documents in Experian's possession or control that were received from or sent to any third party regarding Advanta Bank on or after March 1, 2009 and before the filing of this action other than those that pertain to individual consumers other than the Plaintiff;

d. All final, non-privileged versions of its relevant FCRA policies, procedures and/or training materials relating to its procedures that were in use from March 1, 2010 until the present date.

3. Experian shall file its Motion for Summary Judgment on or before July 23, 2012.

4. Experian shall produce for a Rule 30(b)(1) deposition prior to filing its Motion for Summary Judgment each person whose statements it intends to rely upon in support of their motion for summary judgment.

5. On or before August 7, 2012, the Parties shall meet and confer to negotiate what if any additional discovery the Plaintiff would need to respond to the Motion for Summary Judgment and the period within which such discovery will be provided. The parties contemplate the possibility that the Plaintiff may need to depose the co-Defendant(s) as part of this discovery.

6. If the Parties are unable to agree to such discovery and timing, the dispute(s) shall be resolved by the Magistrate Judge on summary argument without further briefing on the earliest date available to the Magistrate Judge.

7. Plaintiff shall respond to Defendant's Motion for Summary Judgment within the earlier of thirty (30) days of the filing of the motion and fourteen (14) days of the earlier of the date on which the above discovery is produced and provided or on which the Magistrate Judge finds that no further discovery is required of Experian.

8. Experian shall file its reply within ten (10) days thereafter.

9. Following the Court's decision on Experian's Motion for Summary Judgment, the Court will set an addition Rule 16(b) conference, if necessary.

The Clerk is directed to send a copy of this Order to counsel of record.

John A. Gibney, Jr.
United States District Judge

Richmond, Virginia
Date: June __, 2012

WE ASK FOR THIS:

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

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